
Name

Mailing Address

City, State Zip Code

Phone Number

☐ Petitioner ☐ Respondent

Appearing without a lawyer

MONTANA _____ **JUDICIAL DISTRICT COURT**
_____ **COUNTY**

In re the Marriage of:

_____,
☐ Petitioner,

and

_____,
☐ Respondent ☐ Co Petitioner.

Case No: _____

☐ **Petitioner's** ☐ **Respondent's**

☐ **Agreed** ☐ **Court Ordered**

☐ **Proposed** ☐ **Amended** ☐ **Final**
Parenting Plan

1. Objectives.

- a. To protect the best interest of our minor children;
- b. To provide for the physical care of our minor children;
- c. To maintain our children's emotional stability and minimize our children's exposure to parental conflict;
- d. To help our children have a healthy relationship with both parents, families, and friends;
- e. To provide for our minor children's changing needs as they grow and mature;
- f. To explain the rights and responsibilities of each parent to our minor children;

g. To help us avoid expensive future court battles over the minor children.

2. Parent Information:

Mother's Name: _____

Address: _____

City: _____ State: _____ County: _____

Father's Name: _____

Address: _____

City: _____ State: _____ County: _____

3. Our Children:

This parenting plan applies to these children:

Name	Age	Year of Birth

*(If you have additional children, fill out and staple Form **MP-113-B** to this document.)*

4. The same or different parenting time schedules. Choose one.

☐ We will have the **same** parenting schedule with all of our children. *(Fill out and staple Form **MP-300-A** to this document.)*

OR

☐ We will have more than one parenting schedule for our children. This is in the best interest of our children because _____

*(Fill out as many versions of Form **MP-300-A** as necessary to cover all the children and staple them to this document.)*

5. Holidays, Vacation, and Special Occasions. Choose one.

☐ There **is** a special schedule for holidays, vacation, and special occasions. (Fill out and staple **Form MP-300-B** to this document.)

OR

☐ There is **no** special schedule for holidays, vacation, and special occasions.

6. Supervised or Limited Parenting Time. Choose one.

☐ Supervised or limited visitation **is not** necessary.

OR

☐ Supervised or limited visitation **is** necessary. It is in our children's best interest for
☐Mother ☐Father ☐Both parents to have supervised or limited parenting time
because (describe)

(Fill out and staple **MP-300-C** to this document.)

7. Travel With Our Children. Choose all that apply.

a. ☐Mother ☐Father ☐Both parents may travel freely in the State of Montana with our children. This travel must be in keeping with our parenting time schedule.

b. ☐Mother ☐Father ☐Both parents must have written permission from the other parent or a court order to take our children out of:

☐a _____ mile radius of the child's residence.

☐the State of Montana

☐the following counties(specify) _____

c. ☐ Other (specify) _____

8. Passport. Choose all that apply.

☐Our children don't have a passport. ☐Mother ☐Father may apply for a passport

for any of our children. The other parent consents to the issuance of this passport.

☐ If our children have a passport, it belongs to them. But ☐ Mother ☐ Father will be the custodian of the passport.

☐ Other (*specify*) _____

9. Communications. Choose all that apply:

While our children are with one parent:

☐ Our children will be able to initiate communicate with the other parent at reasonable times.

☐ The other parent is allowed to initiate communication with our children at reasonable times.

☐ The other parent has a specific time to communicate with our children:

☐ Other (*specify*): _____

10. State and Federal Benefit Programs

Some state and federal benefit programs require one parent be designated custodian. This doesn't affect our parenting rights or responsibilities. It only affects which parent may include the children when they apply for benefits.

Choose One

For the purposes of state and federal benefit programs that require a designation of custodian the ☐ Mother ☐ Father is designated custodian.

OR

☐ Other (*specify*): _____

11. Designation for Income Tax Purposes.

Mother will claim our children as dependents on her income tax

☐ every year ☐ in odd years ☐ in even years

Father will claim our children as dependents on his income tax

☐ every year ☐ in odd years ☐ in even years

☐ Other (specify): _____

Both parents will fill out the necessary forms to claim our children as dependent's for income tax purposes as listed above.

This arrangement will begin with the year this order takes effect.

12. Co-Parenting Guidelines.

- a. We will both promote a healthy relationship between our children and the other parent. We won't demean or speak negatively about the other in front of or to our children.
- b. We will each notify the other parent at least _____ minutes in advance when we won't use or need our parenting time. The missed time won't be made up, unless we both agree.
- c. ☐ If ☐ Mother ☐ Father is more than _____ minutes late for their parenting time, the other parent may cancel the parenting time. The missed time won't be made up, unless we both agree.
- d. We will be flexible about our parenting time when family necessities, illnesses, or other commitments reasonably require a change. The requesting parent will act in good faith and give as much notice as circumstances permit.
- e. ☐ We will both supply our children with appropriate clothing, toys, games, or books for their scheduled parenting time with the other parent. These clothes are our children's and are to be returned with our children at the end of the parenting time.

OR

☐ We will both supply our children appropriate clothing, toys, games, or books for their scheduled parenting time while they are with us. Our children will not take clothes between our houses. Any clothes that our children arrived in are

- to be returned at the end of the parenting time.
- f. ☐ Each parent is responsible for making sure that our children attend their regularly scheduled activities, including sports and other extra-curricular activities, while the children are with that parent.
 - g. ☐ If our children has a special activity or medical condition that requires clothing and/or equipment that is not normally with the parent having parenting time, that parent must ask that the clothing and/or equipment comes with our children and returns with our children at the end of the parenting time.
 - h. ☐ We will both encourage and protect healthy relationships between our children and relatives, family and friends. Usually the children will visit relatives during the time when our children are with their father and with the maternal relatives during the time when our children are with their mother, unless we agree otherwise.
 - i. ☐ Both parents will guarantee the safety of the children. Activities that may be considered dangerous include: **Choose all that apply**
 - ☐ People, including a parent, who abuse alcohol or use illegal drugs within 24 hours of contact with our children.
 - ☐ Second-hand smoke;
 - ☐ Use of profanity;
 - ☐ Other: _____

If a parent observes or becomes aware that the children may be in danger, the observing party will immediately contact law enforcement and may file an action with the court to enforce this agreement. Temporary suspension of parenting time may be appropriate under the circumstances until the safety concerns are resolved.

13. Decision Making.

- a. Both parents have the right to make emergency decisions affecting the health or safety of our children.
- b. We have the right to make decisions about the day-to-day care and control of our children while they are with us.

Choose all that apply:

- c. ☐ We will make major decisions about our children's education together. If

we cannot agree, the decision will be made by ☐Mother ☐Father.

- d. ☐We will make major decisions about our children's non-emergency health care together. If we cannot agree, the decision will be made by ☐Mother ☐Father.
- e. ☐We will make major decisions about our children's spiritual development together. If we cannot agree, the decision will be made by ☐Mother ☐Father ☐ either party during their respective parenting time.
- f. ☐We will make major decisions about our children's extra-curricular activities together. If we cannot agree, the decision will be made by ☐Mother ☐Father ☐ either party during their respective parenting time.
- g. ☐Mother ☐Father will be the sole decision maker about major decisions for our children's lives, including ☐ education ☐non-emergency health care, ☐spiritual development, and ☐extra-curricular activities. This is in our children's best interest because _____

- h. Other (*specify*): _____

14. Access to Our Children's Information.

☐We will both have access to all information about our children, including school records, counseling records, medical, and dental records. We can find this law at §40-4-225, M.C.A.

OR

☐It is appropriate that only ☐Mother ☐Father have access because _____

15. Access to Our Information. **Choose One.**

☐We will keep each other and the court updated in writing of the following:

- Residential and mailing addresses;
- Telephone numbers;

- Social Security numbers;
- Driver's license numbers;
- Name, address, and phone number of employers;
- Health insurance coverage for our children, including the insurance company, name of the plan, the policy identification number, and the names of the covered children;
- Health insurance coverage for our children which is available through an employer or other group, and if the employer or group would pay any part of the premium.

OR

☐ It is appropriate that the personal information of ☐ Mother ☐ Father be kept confidential and not be given to the other parent because _____

16. Parent's Residential Change.

- a. If one of us plans to change the place we live and it will significantly affect the other parent's contact with our children, we must give notice to the other parent.
- b. The notice must be in writing and include a proposed amended parenting plan.
- c. There are two ways the changing party may deliver the notice and proposed amended parenting plan to the other parent:
 - By having law enforcement or a person who is 18 or over and not a party to the case hand-delivering it to them,

OR

- By certified mail. *(We can use Form MP-904 Notice of Intent to Move to give this notice.)*
- d. The changing party must file proof of service and the proposed amended parenting plan with this court.
 - e. If the other parent objects to the proposed amended parenting plan, they must file an objection within the 30-day period. If they don't, this means they are in agreement with the proposed plan and the court will adopt the plan.

17. Title IV-D benefits.

a. Title IV-D benefits. *Choose One.*

☐ Either Mother or Father is receiving ☐ Temporary Aid for Needy Families (TANF) and/or ☐ Family Medicaid;

OR

☐ Neither party is receiving Title IV-D benefits.

OR

☐ I do not know if ☐ Mother ☐ Father is receiving Title IV-D benefits. I am not receiving any Title IV-D benefits.

b. Notice to Child Support Enforcement Division and the Office of Attorney General. *Choose One.*

☐ Child Support Enforcement Division has an active case to determine paternity, to establish or enforce child support, to establish or enforce medical support, or one of us is receiving Title IV-D benefits.

I notified Child Support Division and the Office of the Attorney General of this case. (Fill out and staple **FLB-8** to this form.)

OR

☐ Child Support Enforcement Division does not have an active case and neither parent is receiving Title IV-D benefits.

18. Child Support Calculation.

☐ **Mother** ☐ **Father must pay \$_____ per child per month** in child support to the other parent because:

☐ This amount is consistent with the Child Support Enforcement Division Order attached. (Write "FLB-6A" in the upper right hand corner of the CSED calculation order and staple to this document.)

☐ This amount is consistent with the child support calculation prepared by ☐ Mother ☐ Father ☐ The Court ☐ other _____ (Write MP-300-E in the upper right hand corner of this calculation and staple to this document.)

☐ This amount is not consistent with the child support amount prepared by

☐ Child Support Enforcement Division ☐ Mother ☐ Father ☐ The Court or
☐ other _____; however, this amount is in the best interest of our
child
because: _____

_____. Write **MP-300-E** in the upper right
hand corner all calculations made and documents used in reaching this child support
amount and staple to this document.)

- ☐ No one has calculated child support at this time. But, Child Support
Enforcement Division has opened a case. The CSED case number is
_____. ☐ Mother ☐ Father will file the CSED Child
Support Order along with the Request for a Hearing on the Dissolution.

19. Payments. Choose One:

- ☐ On or before the first of every month, payments must be made to Child Support
Enforcement Division. Payments must be made to CSED if a party is
receiving Title IV-D Benefits (TANF, Family Medicaid, or if there is an active
case with CSED). We can find this law at §40-5-909, M.C.A.

OR

- ☐ On or before the _____ day of each month, payments must be made directly to ☐
Mother or ☐ Father.

OR

- ☐ On or before the first of each month, payments must be made to the Clerk of
District Court.

20. Immediate Income Withholding. Choose One:

- ☐ Mother's ☐ Father's income is subject to immediate income withholding. We can
find this law beginning at §40-5-3, M.C.A.

OR

- ☐ The child support order is exempt from immediate income withholding because

NOTICE:

- If a parent's child support payments are delinquent, the child support must be
withheld from their pay.
- A payment is delinquent when it is 38 days overdue.
- The court cannot exempt them from income withholding.

- If a parent is delinquent in payments, that parent's income may be subject to income withholding without any court action. We can find this law beginning at §40-5-401, M.C.A.

21. Child Support Termination. Child support payments must continue until:

Choose One:

- ☐ The child is emancipated,
- ☐ The child turns 18 or graduates from high school, whichever occurs later but no later than when the child turns 19.

OR

- ☐ Father ☐ Mother agrees to continue to pay child support until: _____ because _____.

22. Medical Support.

a. Choose One:

- ☐ The Montana Child Support Enforcement Division or another appropriate agency or court established a medical support order. (*Write "FLB-7A" in the upper right hand corner of the medical support order and staple it to this document.*)

OR

- ☐ The minor children need their medical and dental expenses to be covered. The court should adopt the attached medical support order. (*Fill out and staple Form FLB-7B to this document.*)

b. Our responsibilities:

- We will fill out, sign, and deliver all necessary documents to the insurance company to make sure our children are continuously covered under the plan.
- We will timely submit claims to the insurance company for processing.
- We will give each other insurance cards or other methods for access to coverage.
- If the insurance company reimburses a parent who didn't pay the bill, that parent will immediately pay the parent who did pay the bill.
- If one of us is responsible for paying medical costs and expenses and we don't pay, the court may enter a judgment against us for unpaid support. The other parent may apply for expedited enforcement

procedures (meaning garnishment, what?)

- If we are responsible for paying the insurance premium and we don't, the other parent, the Department of Health and Human Services, or other responsible party, may pay the premium. The court may enter a judgment against the nonpaying parent for unpaid support. (is this eligible for expedited procedures?)
- Our individual responsibility for paying medical support continues so long as we are required by this order to pay child support.

NOTICE: A civil penalty not to exceed \$25 per day may be imposed for an intentional violation of this medical support order.

22. Review of Parenting Plan.

We will review this parenting plan with each other when there is a significant change of circumstance.

When we disagree about this parenting plan, we will act in the best interest of our children.

We will:

- Step 1: Try to resolve our issues through informal discussion;
- Step 2: If possible, we will take our issues to a professional mediator.
 - ☐ We agree our first-choice of mediator will be _____
 - ☐ We agree that Father will pay _____% and Mother will pay _____% of the cost of the mediator.
- Step 3: If we are unable to resolve our issues, we will then ask the judge to decide through a formal motion.

24. Violation of the Parenting Plan.

If we have actual knowledge of this parenting plan terms, and one of us violates those terms, we may be arrested and have to pay a fine and go to jail.

25. Modification.

The court can only modify this agreement, if:

- we both agree to the modification,

OR

- there is a substantial change in circumstances, and one of us files a motion with the court.

NOTICE: The Department of Health and Human Services or one of us may request Child Support Enforcement Division modify our child support order if:

- One of us is receiving services under Title IV-D of the Social Security Act,
OR
- Child Support Enforcement Division is providing enforcement services

We can find this law at §§ 40-5-271-3, M.C.A.

26. Other Provision:

27. Other Provision:

28. Other Provision:

I declare under penalty of perjury and under the laws of the state of Montana that the information in this document is true and correct. I understand that it is a crime to give false information in this document.

Dated this _____ day of _____, 20__.

City _____ State _____

Sign Here: _____

Print Name: _____

☐ Petitioner ☐ Respondent ☐ Co-Petitioner

(Only fill out this section if you are filing an agreed parenting plan)

I declare under penalty of perjury and under the laws of the state of Montana that the information in this document is true and correct. I understand that it is a crime to give false information in this document.

Dated this _____ day of _____, 20__.

City _____ State _____

Other Parent Sign Here: _____

Print Name: _____

☐ Petitioner ☐ Respondent ☐ Co-Petitioner

(Leave the following section blank. It is for the Judge to use.)

Order by the Court

DATED this _____ day of _____, 20__.

DISTRICT COURT JUDGE